



Order Filed on September 22, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
Jeanette F. Frankenberg, Esq. Ashley L. Rose, Esq. Stern Lavinthal & Frankenberg LLC 105 Eisenhower Parkway - Suite 302 Roseland, NJ 07068 Telephone Number (973) 797-1100 Facsimile Number (973) 228-2679 Attorneys for Secured Creditor, <i>Nationstar Mortgage LLC dba Mr. Cooper</i>	
In Re:	
Hector J Mercado Debtor(s)	

Case No.: **14-20604-ABA**

Chapter: 13


Hearing: September 5, 2017

Judge: **Andrew B. Altenburg, Jr.**

ORDER RESOLVING MOTION TO VACATE STAY

The consent order set forth on the following pages, numbered two (2) through three (3), is hereby **ORDERED**.

DATED: September 22, 2017



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

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Debtor: **Hector J Mercado**

Case No: **14-20604-ABA**

Caption: Order Resolving Motion to Vacate Stay

Applicant:	<u>Nationstar Mortgage LLC</u>
Applicant's Counsel:	<u>Stern Lavinthal & Frankenberg, LLC</u>
Debtor's Counsel:	<u>Steven A. Silnutzer, Esq.</u>
Property Involved ("Collateral"):	<u>26 N. Vasser Square, Ventnor NJ 08206</u>

Relief sought:

- ✓ Motion for relief from the automatic stay
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor is overdue for 3 months, from June 1, 2017 to August 1, 2017.
- The Debtor is overdue for 3 payments at \$1,608.34 per month.
- Less Funds held in debtor(s) suspense \$1,338.36

Total Arrearages Due \$3,486.66

2. Debtor has filed a request to be accepted into the Court's Loss Mitigation program, and beginning September 1, 2017, debtor shall continue to tender adequate protection payments in the amount of \$1,608.34 while his application for Loss Mitigation is pending.
3. If a Loan Modification is not approved by January 1, 2018 (or other date extended by court order), Secured Creditor will promptly notify the trustee, with copy to Debtor's attorney, and within thirty (30) days of such notification, the Debtor shall 1) Cure all outstanding post-petition arrearages to Secured Creditor; 2) file a Modified Plan to surrender subject property; 3) file a Notice to Convert to a Chapter 7; or 4) file a Notice to Dismiss Case.
4. If the Debtor fails to achieve a Loan Modification as specified above and does not address the post-petition delinquency within thirty (30) days of the denial date, the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, A Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

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Debtor: **Hector J Mercado**

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5. This Order shall be incorporated in and become part of any Order Confirming Plan in the herein matter.
6. Award of Attorneys' Fees:
 - ✓ The Applicant is awarded attorney's fees of \$350.00, and costs of \$181.00. The fees and costs are payable through the Chapter 13 plan.